

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: MICHEAL L. GRUENBERG

Serial No.: 08/700,565

Filed: July 25, 1996

For: AUTOLOGOUS IMMUNE CELL THERAPY: CELL COMPOSITIONS,  
METHODS AND APPLICATIONS TO TREATMENT OF HUMAN DISEASE

**VERIFIED STATEMENT (DECLARATION) CLAIMING  
SMALL ENTITY STATUS (37 C.F.R. §§1.9(f)  
and 1.27(c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am

- ☐ the owner of the small business concern identified below:
- ☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN  
ADDRESS OF CONCERN

CELLTHERAPY, INC.  
15455 GARDEN ROAD  
Poway, CA 92064-5248

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 C.F.R. §121.3-18 and reproduced in 37 C.F.R. §1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled AUTOLOGOUS IMMUNE CELL THERAPY: CELL COMPOSITIONS, METHODS AND APPLICATIONS TO TREATMENT OF HUMAN DISEASE by inventor MICHEAL GRUENBERG described in

- ☐ the specification filed herewith
- ☒ application Serial No. 08/700,565, filed July 25, 1996
- ☐ Patent No. \_\_\_\_\_, issued \_\_\_\_\_

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 C.F.R. §1.9(d) or by any concern which would not qualify as a small business concern under 37 C.F.R. §1.9(d) or a nonprofit organization under 37 C.F.R. §1.9(e).

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities (37 C.F.R. §1.27).

Full Name \_\_\_\_\_  
 Address \_\_\_\_\_  
 ( ) Individual ( ) Small Business Concern ( ) Nonprofit Organization

Full Name \_\_\_\_\_  
 Address \_\_\_\_\_  
 ( ) Individual ( ) Small Business Concern ( ) Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate (37 C.F.R. §1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING

Richard B. Slansky

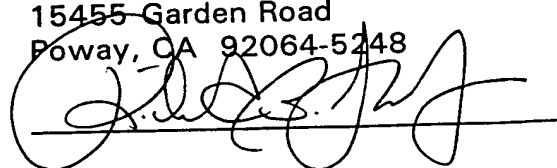
TITLE OF PERSON OTHER THAN OWN

President and Chief Executive Officer

ADDRESS OF PERSON SIGNING

15455 Garden Road  
 Poway, CA 92064-5248

SIGNATURE



DATE

8-14-96

**DECLARATION FOR PATENT APPLICATION**

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**AUTOLOGOUS IMMUNE CELL THERAPY: CELL COMPOSITIONS,  
METHODS AND APPLICATIONS TO TREATMENT OF HUMAN DISEASE**

the specification of which (check one)

☒ (X) is attached hereto.

☐ ( ) was filed by an authorized person on my behalf on \_\_\_\_\_ as Application Serial No. 08/700,565.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims as amended by the preliminary amendment filed therewith.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate listed below and so identified, or §365(a) of any PCT international application that designated at least one country other than the United States of America, listed below, and I have also identified below any foreign application for patent or inventor's certificate or PCT international application on this invention filed by us or our legal representatives or assigns and having a filing date before that of the application on which priority is claimed.

<u>Number</u>	<u>Country</u>	<u>Day/Month/Year Filed</u>	Priority Claimed <u>(Yes or No)</u>
N/A			

I hereby claim benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below:

<u>Application Serial No.</u>	<u>Filing Date</u>	<u>Conversion date</u>
60/044,693 (converted from 08/506,668)	07/26/95	07/25/96

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No.  
08/700,565

Filing Date  
07/25/96

Status  
Pending

PCT Application Serial No.  
PCT/US96/12170

Filing Date  
07/24/96

Status  
entered National Stage

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint the following attorneys and agents, with full power of substitution and revocation, to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith and request that all correspondence and telephone calls in respect to this application be directed to Stephanie Seidman, Heller Ehrman White & McAuliffe, 4250 Executive Square, 7th Floor, La Jolla, CA 92037:

<u>Attorney</u>	<u>Reg. No.</u>
Stephanie Seidman	33,779
Paula K. Schoeneck	39,362
Barry S. Wilson	39,436

Address for correspondence: Stephanie Seidman  
Heller Ehrman White & McAuliffe  
4250 Executive Square, 7th Floor  
La Jolla, CA 92037

Full name inventor: MICHEAL L. GRUENBERG

Inventor's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence: Poway, California

Post Office Address: 14665 Deerwood Street  
Poway, California 92064-5248

Citizenship: U.S.A.

## DECLARATION FOR PATENT APPLICATION

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

AUTOLOGOUS IMMUNE CELL THERAPY: CELL COMPOSITIONS,  
METHODS AND APPLICATIONS TO TREATMENT OF HUMAN DISEASE

the specification of which (check one)

- ☐ is attached hereto.  
☒ was filed by an authorized person on my behalf on  
July 25, 1996 as Application Serial No. 08/700,565.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate listed below and so identified, or §365(a) of any PCT international application that designated at least one country other than the United States of America, listed below, and I have also identified below any foreign application for patent or inventor's certificate or PCT international application on this invention filed by us or our legal representatives or assigns and having a filing date before that of the application on which priority is claimed.

<u>Number</u>	<u>Country</u>	<u>Day/Month/Year Filed</u>	Priority Claimed <u>(Yes or No)</u>
N/A			

I hereby claim benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below:

<u>Application Serial No.</u>	<u>Filing Date</u>	<u>Conversion date</u>
08/506,668 (converted to provisional)	7/26/95	7/25/96

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Application Serial No.Filing DateStatus

N/A

PCT Application Serial No.Filing DateStatusAttorney Docket No. 6870  
(no serial available)

7/24/96

Pending

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint the following attorneys and agents, with full power of substitution and revocation, to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith and request that all correspondence and telephone calls in respect to this application be directed to Stephanie Seidman, BROWN, MARTIN, HALLER & McCLAIN, 1660 Union Street, San Diego, California 92101-2926:

<u>Attorney</u>	<u>Reg. No.</u>
Stephanie Seidman	33,779
Carl Brown	18,587
Neil R. Martin	23,088
John L. Haller	27,795
James W. McClain	24,536
Paula K. Schoeneck	39,362

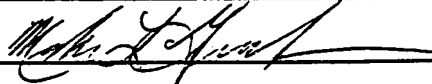
Address for correspondence:

Stephanie Seidman  
BROWN, MARTIN, HALLER & McCLAIN  
1660 Union Street  
San Diego, CA 92101-2926

Full name inventor:

MICHEAL L. GRUENBERG

Inventor's signature:



Date:

8-14-96

Residence:

Poway, California

Post Office Address:

15455 Garden Road  
Poway, California 92064-5248

Citizenship:

UNITED STATES